

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules – The ANDHRA PRADESH DISTILLERY (MANUFACTURE OF READY TO DRINK ALCOHOLIC BEVERAGES) RULES, 2012 – Notification - Issued.

REVENUE (EX.III) DEPARTMENT

G.O Ms.No. 673

Dated:06-12-2012

Read:

From the Commissioner of Prohibition and Excise, A.P., Hyderabad
Cr.No.B4/739/2010/DDB/EX, dt. 29.6.2010.

ORDER:-

The following Notification will be published in an Extra-ordinary issue of the Andhra Pradesh Gazette dated the 10th December, 2012.

NOTIFICATION

In exercise of the powers conferred by section 72 read with sections 16,17,18,21,23,28 and 29 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968),the Government of Andhra Pradesh hereby make the following rules:-

Part-I

PRELIMINARY

1. (1) These rules may be called **the Andhra Pradesh Distillery (MANUFACTURE OF READY TO DRINK ALCOHOLIC BEVERAGES) Rules, 2012.**

(2) They shall extend to all areas where the Andhra Pradesh Excise Act, 1968 is in force.

(3) They shall come into force at once

2. **Definitions:-**

(1) In these rules unless the context otherwise requires:-

(i) “Act” Means the Andhra Pradesh Excise Act, 1968.

(ii)“Assistant Commissioner” in relation to these rules, means an officer appointed under section 5 (1) of the Act.

(iii)“Bottling” means transfer of manufactured Ready to Drink alcoholic beverages into bottles / cans for final removal from manufactory and includes rebottling and refilling .

(iv) “Bottling Room” means that portion of a manufactory which is set apart for carrying out bottling operations.

(v) “Commissioner” means Commissioner of Prohibition & Excise appointed under section 3 of the Act.

(vi)“Excise Adhesive label” means the label designed and approved by and printed and supplied under the supervision and control of the Commissioner from time to time in different forms for the purpose of its affixtures to sealed bottles of different varieties and sizes containing Ready to Drink Alcoholic Beverages.

(P.T.O)

- (vii) **“Excise Supervision”** means supervision over operations including manufacture of Ready to Drink Alcoholic Beverages in a manufactory by the members of the staff of the Prohibition & Excise Department appointed in that behalf by the Commissioner or any Excise Officer duly empowered by the State Government or by the Commissioner in that behalf.
- (viii) **“Excise Year”** means the Excise year reckoned from 1st April to 31st March of the succeeding year.
- (ix) **“Finished Store Room”** means that portion of a Ready to Drink Alcoholic Beverages manufactory which is set apart for the storage of finished Ready to Drink Alcoholic Beverages in sealed bottles or other receptacles.
- (x) **“Form”** means form appended to these Rules.
- (xi) **“Gauge”** means to determine the quantity of Ready to Drink Alcoholic Beverages contained in or taken from any cask or receptacle or to determine the capacity of any cask or receptacle.
- (xii) **“Hologram”** means a photographic image designed and approved by and printed and supplied under the supervision and control of the Commissioner from time to time in different forms for the purpose of its affixture to the sealed bottles of different sizes containing Ready to Drink Alcoholic Beverages.
- (xiii) **“Licence”** means a Licence granted under these rules.
- (xiv) **“Licensed Premises”** means a manufactory in respect of which a licence is granted under these rules.
- (xv) **“Licensee”** means the holder of licence granted under these rules.
- (xvi) **“Maximum Retail Price (MRP)”** means the price to be indicated by the Andhra Pradesh Beverages Corporation Limited or any other agency authorized by the Government for declaring on each variety of label by the manufacturers of Ready to Drink Alcoholic Beverages as required under Section 39 of the Standards of Weights and Measures Act, 1976 and as defined in Clause (r) of Rule 2 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977.
- (xvii) **“Ready to Drink Alcoholic Beverage”** means any low alcoholic beverage made from Spirit or any alcoholic beverage as base with admixture of natural juices and/or artificial flavors, spices, coloring agents and sugar containing added alcohol of not more than 5% V/v, usually carbonated.
- (xviii) **“Spirit room”** means that portion of a Ready to Drink Alcoholic Beverages manufactory which is set apart for storing/finishing Ready to Drink Alcoholic Beverages in vats before bottling.

(2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Andhra Pradesh Excise Act, 1968 and the Andhra Pradesh Distillery (Manufacture of Indian Made Foreign Liquor other than Beer and Wine) Rules, 2006.

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PART-II

PROVISION RELATING TO MANUFACTURE OF READY TO DRINK ALCOHOLIC BEVERAGES

3. (1) No person shall be permitted to manufacture Ready to Drink Alcoholic Beverages in the State unless he holds a valid licence in Form DM-2 (MGO) under the Andhra Pradesh Distillery (Manufacture of Indian Made Foreign Liquor other than Beer & Wine) Rules, 2006.

(2) The Commissioner of Prohibition & Excise shall be competent to permit the holders of DM-2(MGO) licence to manufacture Ready to Drink Alcoholic Beverages.
4. **Licence fee:-** The licence fee for the manufacture of Ready Drink Alcoholic Beverages shall be Rs. 1/- per B.L.
5. **Excise Duty:-**
The Excise Duty shall be paid at such rates as may be specified by the Government from time to time.

PART-III

PROVISION RELATING TO THE BLENDING AND MANUFACTURE OF READY TO DRINK ALCOHOLIC BEVERAGES

6. **Raw material store:** There shall be a separate room for the storing of raw materials such as fruits, fruit juices, coloring and flavoring agents, sugar, carbondioxide cylinders, labels and other packaging materials.
7. **Blending Tanks:** Separate blending and processing tanks as approved by the Commissioner of Prohibition & Excise shall be provided. The quantity of each batch of Ready to Drink Alcoholic Beverage shall be declared by the licensee in **Form RT D.2 A** before issue for bottling and the Excise Duty shall be payable on the quantity so declared.
8. A wastage not exceeding 2.5% will be allowed during bottling of Ready to Drink Alcoholic Beverage on each day.
9. Chilling and carbonation shall be permitted. Plant and machinery for this purpose shall be approved by the Commissioner of Prohibition & Excise.

(P.T.O)

PART-IV

**PROVISION RELATING TO BOTTLING OF READY TO
DRINK ALCOHOLIC BEVERAGES**

- 10.** (1) Operations concerned with the filling of bottles with Ready to Drink alcoholic beverage shall be conducted in bond under the supervision of the Distillery Officer in separate room called the bottling room set up for the purpose.
- (2) Bottled Ready to Drink Alcoholic Beverage shall be stored in a separate room called the R.T.D. Store set up for the purpose near the bottling rooms.
- (3) The bottling rooms and the R.T.D. store rooms shall be secured in such a manner as the Commissioner may approve.
- (4) The Ethyl Alcohol content shall be upto 5 percent V/v with a tolerance of + or – 0.5 degrees proof.
- (5) Sample from each batch shall be sent to the chemical examiner and it shall be passed by the chemical examiner if the strength is within the tolerance limit. Samples falling beyond the tolerance limit shall not be passed by the chemical examiner.
- (6) No bottling shall be allowed unless the sample is passed by the chemical examiner and a report to that effect is issued.
- (7) Bottling shall be done during the ordinary working hours of the manufactory.
- (8) No bottling shall be allowed except in the joint presence of the Excise Officer and a representative of the licensee.
- (9) Bottling shall be done in bottles of such capacity as may be prescribed by the Commissioner from time to time.
- (10) Account of Ready to Drink Alcoholic Beverages received and used for bottling shall be maintained in form *RTD-I*.
- (11) The Commissioner of Prohibition & Excise shall be competent to prescribe any changes or modifications in the procedures and operations in the manufacture of Ready to Drink alcoholic beverages.

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PART-V

PROVISIONS RELATING TO LABELING

- 11. (1) Approval of Labels:** The licensee shall submit an application in form **RTD-2** to the Commissioner through the Assistant Commissioner (Distilleries) duly affixing the court fee stamp of the requisite value as per the provisions of Indian Stamp Act, 1899 and shall enclose 10 copies of each variety of label sought to be approved.

(2) No application referred to in sub rule (1) shall be entertained unless the licensee remits the label approval fee of Rs 10,000/- (Rupees Ten Thousand only) for each variety of label and the Challan in support of the payment is produced with the application. The approval, if granted by the Commissioner, shall be valid during the Excise year or part of the Excise year for which approval was granted.

(3) The licensee shall also get the label re-approved for each licence year by paying the label fee specified in sub-rule (2).

Provided that if a particular label was approved in a year, for the stocks bearing such label and lying unsold in the warehouse, the licensee need not get such label re-approved for the purpose of their release in the subsequent year.

(4) The format of the label shall contain the following :-

- (i)** Name and address of the manufacturer.
- (ii)** Batch Number, Month and year of manufacture
- (iii)** Net Contents
- (iv)** Proof Strength
- (v)** Variety of Ready to Drink alcoholic beverages
- (vi)** Maximum Retail Price (MRP) shall be incorporated in the label after the same is indicated by the Andhra Pradesh Beverages Corporation Limited
- (vii)** Details of manufacturing under tie-up arrangements, if any.
- (viii)** Maximum Retail Price (MRP) shall be prominently depicted on separate band on the top of the label.
- (ix)** Inscription "Drinking alcohol is harmful/ Madhyapanam hanikaram"
- (x)** Any other detail as may be specified by the Commissioner.

(5) In case of supply of Ready to Drink Alcoholic Beverages to canteen stores department, the licensee shall get each variety of label approved separately by paying the label fee as specified in sub-rule(2).

(6) Once the label fee, is remitted and the label is duly approved, it shall not be refunded or adjusted for any reason including withdrawal or cancellation of rate contract agreement by the Andhra Pradesh Beverages Corporation Limited or non issue of purchase orders.

(7) The manner and the contents of the labels shall be in the form as may be specified by the Commissioner from time to time.

12. Affixture of Excise Adhesive Labels/ Hologram:

(1) The licensee shall affix each sealed bottle of Ready to Drink alcoholic beverage with the Excise Adhesive label/hologram supplied by the Excise Officer. The Excise Adhesive Label shall be affixed over the cap of the sealed bottle in such a way as to make it impossible to remove the label without damaging it or to remove the cap without damaging the label. The Excise Adhesive Label shall be affixed during the ordinary working hours of the distillery in the joint presence of the Excise Officer and a representative of the licensee. No bottle containing Ready to Drink Alcoholic Beverages without the Excise Adhesive label shall be issued from the manufactory.

(2) The Excise Officer shall issue only such number of adhesive labels as are required for affixture on the bottles of Ready to Drink Alcoholic Beverages produced every day.

(3) The Excise Officer shall maintain an account of Excise Adhesive labels in such form as may be prescribed by the Commissioner from time to time.

(4) The licensee shall also affix each sealed bottle of the Ready to Drink alcoholic beverage with the hologram supplied by the Excise Officer.

PART –VI

PROVISIONS RELATING TO REGULATION AND SUPERVISION

- 13.** The provisions relating to regulation and supervision, working conditions, arrangement of vessels, storage tanks and receivers, drawal of samples wastages etc shall be as provided under the Andhra Pradesh Distillery (Manufacture of Indian Made Foreign Liquor other than Beer & Wine) **Rules, 2006.**
- 14.** The transport permit for the removal of Ready to Drink Alcoholic Beverage from the distillery shall be issued by the Distillery Officer **in form-RTD 3.**
- 15. Registers to be maintained:** The following registers shall be maintained:
- (1) Daily production of Ready to Drink Alcoholic Beverages register.
 - (2) Raw material stock register.
 - (3) Bottling operation register.
 - (4) Brand wise stock register.
 - (5) Issues register.
 - (6) Any other register prescribed by the Commissioner from time to time.

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FORM – RTD 1

DAILY ACCOUNT OF READY TO DRINK ALCOHOLIC BEVERAGE
PRODUCED

Date	Brand of the ready to drink alcoholic beverage	Batch No	No. of cases bottled		Quantity bottled	Quantity of Spirit used	Manu- facturing loss	Percentage loss in	Signature of the D.O.	Remarks
			Strength	275 ML	Bulk Lts	In PLs	Bulk Lts			

FORM – RTD 2

APPLICATION FOR APPROVAL OF BRAND LABEL

1. Name of the applicant :
2. Full Address :
3. Details of license held :
4. Brand name for which approval of label sought for :
5. Size of the brand :
6. Details of payment of Label approval fee :

(a) Amount remitted : Rs.

(b) Challan No. & Date :

(c) Name of Treasury :
7. Whether the same label has been approved in the previous year, if so the details of reference No. & Date :

Signature of the applicant

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FORM – RTD 2A
DECLARATION (See Rule 7)

Date	Vessel No	Quantity of Spirit used in PLs	Quantity of RTD declared in BLs	Initial of the DO

Signature of the Distiller
(P.T.O)

FORM –RTD 3

TRANSPORT PERMIT FOR REMOVAL AND TRANSPORTATION OF
READY TO DRINK ALCOHOLIC BEVERAGES FROM THE
MANUFACTORY.

READY TO DRINK ALCOHOLIC BEVERAGES

T.P.NO:_____ DATE_____

- 1. Name of the Distillery (Consignor):
- 2. Name of the IML Depot (Consignee)
- 3. Purchase order No. & Date:
- 4. Details of RTD dispatched:

Brand Name	Batch No,	Size	No. of cases	Bulk Lts.	Excise
		275 ML			

- 5. Date and Time of dispatch:
- 6. Validity period: From (Date & Time) Upto (Date & Time):
- 7. Vehicle No:
- 8. Route (Names of all important towns & villages to be mentioned):
- 9. Excise Duty remittance details:

Challan No & Date
Amount Rs:
Treasury / Bank

- 10. Cost of EAL remittance details:

Challan No & Date
Amount Rs:
Treasury / Bank

- 11. Details of EALs affixed on the bottles:

Brand Name	Batch No.	Strength		No. of Cases				
					Code No.	Series No.	Serial No. from	Serial No. To

Signature of the applicant

- Original copy to be retained with the Excise Officer of the Distillery.
- Duplicate copy to be dispatched to the Excise Officer in-charge of IML depot (Consignee)
- Triplicate copy to be dispatched to the Excise Superintendent concerned where IML depot is situated.
- Quadruplicate copy to accompany the consignment during transit.
- Quintuplicate copy to be dispatched to the Asst. Commissioner (Enft) concerned to the destination point.
- Sixth copy to be dispatched to the Director of Proh. & Excise (Enft) A.P. Hyderabad.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchasing, Hyderabad.
(He is requested to furnish 500 copies each to Govt., and the Commissioner of Prohibition and Excise, A.P., Hyderabad and 50 copies to the Commissioner of Information and Public Relation, A.P., Hyderabad).

Copy to :-

The Commissioner of Prohibition & Excise, A.P., Hyderabad.
The Law (E) Department.
The P.S to Minister for Prohibition & Excise.
Sf/Scs.

//FORWARDED ::BY ORDER//

SECTION OFFICER